

### REMARKS

The Examiner has rejected claims 1, 2, 6, 8 and 12, under 35 USC 112, second paragraph, as being indefinite. The Applicants have amended the claims to overcome this rejection thereto. Accordingly, withdrawal of this rejection to the claims is respectfully requested.

The Examiner has rejected claims 1, 6, 8 and 12 under 35 USC 102(b), as being anticipated by Arakawa et al. It is respectfully submitted that all of the claims presently pending in the application are patentably distinct over the prior art, including all of the prior art of record in the application, and are, therefore, allowable.

Arakawa **only** discloses a specific **mechanical** change over device for coupling and decoupling a hammer function. There is not a single word for switching over of individual electrical system functions. (see Figs. 5-8. col. 2, ln 10-col. 3. ln.33 and col. 6, ln. 37-col. 9, ln. 57).

The Federal Circuit has mandated that 35 U.S.C. § 102 requires no less than “complete anticipation...[a]nticipation requires the presence in a single prior art

disclosure of all elements of a claimed invention arranged as in the claim.”

Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); See also, Electro Medical Systems, 32 U.S.P.Q. 2d at 1019; Verdegaal Bros., 2 U.S.P.Q. 2d at 1053.

In view of the above, since the cited prior art does not disclose all the features of claim 1, it is respectfully submitted that the cited prior art does not anticipate the present invention, as defined by claim 1. Accordingly, it is respectfully submitted that claim 1 and claims 3-11 that depend from claim 1 are patentably distinct over each such art and thus withdrawal of the rejection of such claims under 35 U.S.C. § 102 is respectfully requested.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects, in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed to issue. Alternatively, should the

Examiner feel that a personal discussion might be helpful in advancing this case to allowance,  
the Examiner is invited to telephone the undersigned.

Respectfully Submitted,



Ronit Gillon  
Reg. No. 39,202

Dated: December 29, 2003  
Sidley Austin Brown & Wood LLP  
787 Seventh Avenue  
New York, N.Y. 10019  
Tel.: (212) 839-7354

I hereby certify that this correspondence is being deposited with the United States Postal Service  
with sufficient postage as first class mail and addressed to: Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450 on, DC 20231 on December 29, 2003

